--18. A system for remote loading of objects or files in order to update software according to claim 17, wherein the attributes indicate the level attributed to the software modules.--

REMARKS

This Preliminary Amendment is being filed concurrently with the instant continuation application. Favorable examination is respectfully requested.

In the parent application, the Examiner asserted that Schmidt anticipates claims 17-19. For at least the following reasons, Applicant respectfully submits that the pending claims are patentably over the prior art of record.

Schmidt teaches a software version management system, which allows collecting and recompiling, automatically, an updated version of component software objects of a software program (see abstract). Applicant respectfully points out that the purpose and operation of the instant invention is significantly different from that of Schmidt. Specifically, the purpose of the present invention (see page 2 of specification) is to avoid rebooting the terminal when an updated component software is downloaded. According to claim 17, updating of the software is made with software modules or executable subroutine.

Further, the system of Schmidt concerns the development a program. According to this reference, the program components are stored in different locations in a network. All program components are accessible by a plurality of network users. This particular structure allows a plurality of users to access and modify each component. The system of

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Schmidt insures that users are using always an updated version of the program and manages the modification introduced by a user.

On the contrary, the present invention is directed to a system for remote loading of objects or files in order to update software. This means that the module constituting the software of the terminal is not modified but is simply replaced by an updated one. In other words, there is no remote modification of modules as disclosed in Schmidt.

Further, all modules are stored on the terminal, which means the entire operating system is stored on the terminal, and not in different location stations of a network.

Schmidt teaches that the system uses modules, which are distinct components for managing the version and dependencies of the component (abstract). On the contrary, according to claim 17 of the present invention, the management of the dependency of the module between each other is integrated in each module itself by attributes. Thus, when a new module is downloaded, the checking of its dependency is made by the reading of the attributes comprising all dependence of this module.

Thus, Schmidt does not teach or suggest each and every element of the claimed invention, as required for anticipation under section 102. For example, Schmidt does not teach that modules used to update the software program are software modules or executable subroutines when they are downloaded on the terminal. Further, Schmidt does not teach that all modules are stored in a unique location. Moreover, none of the other references of record make up for the deficiencies in Schmidt.
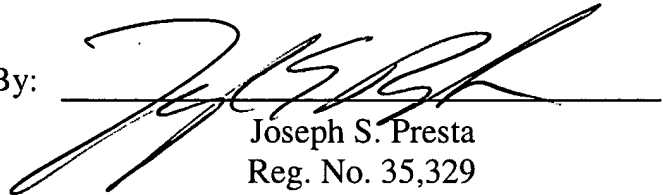
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In view of the above, Applicant respectfully submits that all of the pending claims are in condition for allowance. Thus, allowance of the pending claims are earnestly solicited.

Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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